Simon v. Adzilla, Inc [New Media] et al

Doc. 634

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

The Facebook, Inc., et al.,

Plaintiffs,

v.

ConnectU, Inc., et al.,

Defendants.

______________________________________/

NO. C 07-01389 JW

ORDER TO SHOW CAUSE RE: SPECIAL MASTER'S REPORT NO. 1

On September 3, 2008, the Court received Report No. 1 from the Special Master. The parties are Ordered to appear on **October 28, 2008 at 10 a.m.** and show cause, if any, why the Court should not Order the Master to take the following actions:

1. Deliver the ConnectU shares which have been submitted to the Master to Facebook, Inc.; and to

2. Substantially simultaneously deliver the cash or its equivalent in the form of a bank or cashier's check and the Facebook, Inc. common shares which have been submitted to the Master to the principals of ConnectU; and to

3. Substantially simultaneously file the tendered dismissals of the actions resolved in the settlement with the appropriate courts.

The Court recognizes that there is an appeal pending with respect to this matter, but that a request to stay execution of the settlement was denied by the Ninth Circuit. It has come to the attention of the Court that claims or liens have been asserted by third-parties. If a party wishes the Court to give particular consideration to these matters in any Order issuing from the hearing, no later

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than fifteen (15) days prior to the date of the hearing, the party is ordered to file a memorandum stating its contention and the legal basis for it.

Further, it has come to the attention of the Court that, among other matters, one or more parties might dispute the language of a “release” tendered in compliance with the Judgment. No later than fifteen (15) days prior to the hearing, any such party shall file a memorandum showing cause why the Court should not order the parties to sign a tendered release. Alternatively, on its own motion, the Court is considering whether, in lieu of requiring the parties to sign a separate release document, the Judgment should not be modified to regard the language of the Term Sheet and Settlement Agreement as the release agreement of the parties. Any party wishing to address this issue shall do so in a similarly filed memorandum fifteen (15) days prior to the date of the hearing.

Dated: September 19, 2008

JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: September 19, 2008

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy